



October 1, 2018

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Re: Central Valley Water Board Triennial Review Process

Thank you for the opportunity to comment on the Central Valley Water Board 303(d) process. The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest trade association of commercial fishermen on the West Coast. For forty years, PCFFA has led the industry in assuring the rights of individual fishermen and fighting for long-term survival of commercial fishing as a productive livelihood and way of life. As PCFFA's sister organization, the Institute for Fisheries Resources (IFR) is dedicated to the protection and restoration of fish resources and the human economies that depend on them. A critical component of both organizations' missions is robust protections for water quality in surface waters that support salmon. Save California Salmon advocates for Tribal people, drinking water advocates and fishermen throughout California.

We thank you for conducting a comprehensive assessment of the water quality issues facing the Central Valley and Sacramento River watersheds and for prioritizing the establishment of Tribal Beneficial uses including Tribal Subsistence Fishing. This is an important step for the board and we believe it can lead to better water quality that would benefit our members and the public. We suggest that the board works with commercial and recreational fishermen on the establishment of non-Tribal subsistence beneficial uses.

Anadromous fisheries not only support our members' livelihoods, they also feed our families and are the part of our cultural and the culture of many coastal communities; they must be protected.

We hope that as part of the process of assessing beneficial uses related to subsistence and culture, the board looks not only into issues like allowable toxin limits and exposure, but also to fisheries restoration and protection as a way to protect beneficial uses. Protections of beneficial uses, including Tribal Beneficial Uses, need to include enacting previous water quality goals that would increase fisheries, such as fish doubling standards in the Bay Delta Plan. We also urge the board to conduct meaningful and comprehensive outreach and expand consultation beyond recognized Tribes to include other tribal communities. It is important to consider the input and enact the recommendations of all Tribes and subsistence fishermen, and to also consider the input of Tribal people not officially associated with Tribal governments.

Our main concern with this process is that Protection of Central Valley Fisheries and other Aquatic Life is the 7th priority for the review and includes no concrete actions to address temperatures or key water quality impairments salmon tributaries. We have requested that this priority be one of the top priorities for this review due to impaired and imperiled state of Central Valley salmon runs.

IFR/PCFFA and SCS have a vested interest in the Bay Delta and its tributaries. Fisheries and fishery-dependent coastal communities recently suffered through back-to-back-to-back resource crises, with poor salmon seasons in 2015, 2016, 2017 and poor crab seasons in 2015 and 2016. These poor salmon seasons came at no fault of our own. Chinook salmon are not overfished. Their declines in abundance are due to drops in river productivity and poor management during the last drought. The temperature and flow issues in the Central Valley watersheds and ecological crisis in the Delta is largely responsible for these poor salmon seasons.

We support many of the actions outlined in the Triennial Review staff report such as setting temperature and dissolved oxygen objects and controlling pesticides, nutrients and biostimulatory substances discharges, however we still object to the current prioritizations and lack of concrete actions to improve conditions for salmon. Protection of aquatic life and fisheries in the Delta and its tributaries, and drinking water protection, needs to be the top priority of this board. We object to the fact that discharger suggested actions seem to consistency be prioritized above protection of aquatic life even in cases where only a limited amount of dischargers will be benefited by said action. The Central Valley board continues to prioritize delistings and changes to beneficial uses that will lead to less protections for aquatic life while the Delta is facing an ecological crisis. The drinking water of 26 million Californians, and salmon dependant industries, and the health of the Delta is threatened by the poor prioritization of the Central Valley Board, whose job is to protect water quality, not dischargers. Therefore we request again the protection of fisheries and aquatic life is listed as a top priority for this review.

We also support the request from NOAA fisheries that temperatures impacts on listed fish are assessed rather than just temperature improvements. We request that temperature numeric targets are set in key salmon tributaries and actions to meet those targets be outlined as part as temperature efforts. We suggest

that the key tributaries that are the most important to the Spring Chinook, and that provide Fall and Winter run Chinook habitat in the upper Sacramento River, be prioritized for temperature actions and mitigations that begin immediately. We support additional studies regarding temperature needs of fisheries, however we already know temperature issues exist in these tributaries, EPA temperature guidance for salmon does exist, and key tributaries for salmon have been identified by the California Department of Fish and Wildlife under their strategy to aid salmon and steelhead. These creeks include: Butte Creek, Clear Creek, Mill Creek, Deer Creek, Big Chico Creek and Antelope Creek. All these creeks have experienced declines in habitat and water quality, particularly temperature and sediment degradation. Waiting on temperature actions within these watersheds can lead to the extinction of species and more fisheries closures.

Along with setting temperature limits based on the needs of endangered and public trust fisheries in these watersheds, we ask that the board identify which watersheds are experiencing temperature, algae, or DO issues due to low flows and recommend what flows are needed in these watersheds to provide for beneficial uses and fisheries. These recommendations can be used in the Phase 2 Basin Plan update in cases where the regional board does not have the authority to demand flow increases.

We also request that non-temperature action be prioritized to protect the beneficial uses related to aquatic life in the Delta. Currently the board's answer to the temperature, dissolved oxygen (DO), nutrient and Blue Green Algae issues in the region are to study the issues further in nearly every case. Very little actual action, prioritization, and regulation related to these issues are proposed in this Triennial Review process. This is despite the fact that tailwater return, high nutrient levels, and low flows are directly responsible for many of the outlined impairments. Many of these impairments, and their causes, have been well documented and studied locally or in similar watersheds and mitigations and Best Management Practices (BMP) have been proposed. Non flow actions could include stock animal exclusion, impoundment removal, riparian planting and tail water return exclusion. These actions can begin right away.

We feel that in some cases the board is prioritizing studies instead of action to protect beneficial uses. Studies should be designed to facilitate the use of their findings in regulatory action, where appropriate. There is already EPA temperature guidance for salmon, for instance, yet the only prioritized temperature action outlined in the Triennial Review is studies related to what the temperature guidance in the Central Valley should be. Nutrient pollution and low flows have been directly connected to blue green algal blooms in nearly every watershed they have been documented, yet nutrient studies are prioritized, but not direct nutrient control actions. The same seems to be true in related to pesticide impacts in the Delta.

We feel the board's time would be better used identifying where impairments are, finding the sources of the impairments, setting numeric limits in key areas for aquatic life, and funding restoration and control actions and enforcement to help meet these limits. We support using the best available science and funding studies when there are questions that need to be answered. We also support studying the results of corrective actions so the board can document what is working and what is not, and manage accordingly. What we object to is only taking action in the form of creating studies when there are already studies and

guidance that could, and should, be used inform immediate action to protect beneficial uses and aquatic life.

Our organizations support the Pyrethroid study, nutrient studies and studies on salinity's impacts on aquatic life. We also support remedial actions to control Pyrethroid, nutrient, and salinity while these studies progress. We believe that enough information exists to take action to protect beneficial uses in relation to temperature, dissolved oxygen, and flows already in the Delta and request this action be prioritized.

Thank you for considering our comments,

Regina Chichizola

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A handwritten signature in black ink that reads "Regina Chichizola". The signature is fluid and cursive, with the first name "Regina" being more prominent than the last name "Chichizola".

Noah Oppenheim

A handwritten signature in black ink that appears to be "Noah Oppenheim". The signature is stylized and cursive, with a large initial "N" and "O".

Executive Director
Pacific Coast Federation of Fishermen's Associations
& Institute for Fisheries Resources